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**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
NOV 17 2003  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_  
Deputy

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**v.**

**SOUTHWESTERN BELL TELEPHONE L.P.**

**Defendant.**

**CIVIL ACTION NO.  
3-03CV2228-D**

**AMENDED COMPLAINT**

**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Claire P. Hill who was adversely reassigned by Defendant Southwestern Bell Telephone L.P. based on her sex, female, and because of her pregnancy.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(3) of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C § 2000e-5(f)(3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Sec. 1981a.

2. The employment practice alleged to be unlawful was committed within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division.

## PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, as amended and is expressly authorized to bring this action by Section 706(a) of Title VII, 42 U.S.C. § 2000e-5(a).

4. At all relevant times, Defendant, Southwestern Bell Telephone L.P., has continuously been and is now doing business in the State of Texas and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, Southwestern Bell Telephone L.P., has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e-(b), (g) and (h).

## STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Claire P. Hill filed a charge with the Commission alleging a violation of Title VII of the Civil Rights Act of 1964, as amended, by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During the employment of Claire P. Hill, Defendant engaged in unlawful employment practices in violation of §703(a)(1) and §701(k) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and §2000e(k), by adversely reassigning her supervisory duties from sales to non-sales status because of her pregnancy.

9. The result of the foregoing practice has been to deprive Claire P. Hill of equal employment opportunities because of her sex under Title VII.

10. The unlawful employment practice complained of in paragraph 7 above was intentional.

11. The unlawful employment practice complained of in paragraph 7 above was done with malice or with reckless indifference to the federally protected rights of Claire P. Hill.

### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Southwestern Bell Telephone L.P, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of pregnancy.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for pregnant females, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Claire P. Hill, by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, front pay, pecuniary damages, compensatory damages, including out-of-pocket expenses, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order the Defendant to make Claire P. Hill whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in

paragraph 7 above, including but not limited to, pain and suffering, humiliation, embarrassment, emotional distress, anxiety, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to pay Claire P. Hill punitive damages for its malicious conduct or reckless indifference described and referenced in paragraph 7 above, in an amount to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.


G. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

Respectfully submitted,

  
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**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by first class mail and telecopy on:

Darrell L. Guy  
One SBC Plaza, Suite 2900  
208 South Akard Street  
Dallas, Texas 75202-4208  
Telecopy: (214) 464-2250

this 8<sup>th</sup> day of November, 2013.

  
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SIDNEY B. CHESNIN